

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

ALEXANDER L. BAXTER

v.

SPENCER HARRIS, et al.

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Case No. 3:15-cv-19

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APR 14 2017

U.S. DISTRICT COURT
MID. DIST. TENN.

MOTION FOR SUMMARY JUDGMENT
AGAINST DEFENDANT BRAD BRACEY

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, the plaintiff respectfully moves the Court to grant summary judgment in his favor against Defendant Brad Bracey, as the undisputed facts show he is entitled to judgment as a matter of law.

Specifically, the plaintiff moves for summary judgment because both in his "Brief" to the Sixth Circuit Court of Appeals, as well as in his "Reply Brief" to the Sixth Circuit, Defendant Bracey conceded the facts as sworn to and plead by the plaintiff - facts that entitle the plaintiff to judgment as a matter of law.

To be more specific, located in Document #9, Page 6, Case No. 15-6412, United States Court of Appeals for the Sixth Circuit, is the following: "Officer Bracey adopts Baxter's version of events, which set forth essentially verbatim by the Magistrate Judge in the Report and Recommendation." In addition to the above, located in Document #11, Page 2, Case No. 15-6412, "Reply Brief," Defendant Bracey stated the following: "... Officer Bracey concedes that he was in the basement and saw that Baxter had surrendered and had his hands up when Spencer Harris released the K-9 without warning. Officer Bracey further concedes ... that he did not intervene to stop the K-9 from apprehending Baxter..."

Because the plaintiff has established a valid claim for the use of excessive force and assault, pursuant to 42 U.S.C. 1983 and relevant state law, and because Defendant Bracey conceded the facts as sworn to and plead by the plaintiff, the plaintiff is entitled to judgment as a matter of law. He cannot now unconcede the facts.

Defendant Bracey should not be allowed to go to the Sixth Circuit and admit the truth, then because he lost the appeal go back to telling obvious lies to the district court. Such actions are unscrupulous, unethical, and

thumps his nose at the integrity of the Court.
Defendant Bracey's attempt to perpetrate a sham
upon this Court should end in summary judgment.

Plaintiff's memorandum of law and statement of
undisputed facts accompany this motion in support.
The plaintiff requests all relief asked for and the
maximum penalties allowed by law; for failing to
INTERVENE and stop the use of excessive force, and
assault.

Respectfully submitted,
Alex L. Braxton 4-7-17
Mr. Alexander L. Braxton, pro se.

Certificate of Service: Melissa Roberge & Keli Oliver,
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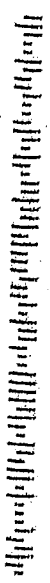
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